

Message Text

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ACTION NEA-10

INFO OCT-01 ISO-00 DHA-02 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

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FM AMEMBASSY TEHRAN

TO SECSTATE WASHDC IMMEDIATE 9392

C O N F I D E N T I A L SECTION 1 OF 2 TEHRAN 9961

E.O. 11652: GDS

TAGSS: SHUM, MASS, IR

SUBJ: CONGRESSIONAL REQUEST FOR HUMAN RIGHTS INFORMATION

REF: (A) STATE 243028, (B) TEHRAN 8376, (C) TEHRAN 6119,
(D) STATE 222610

1. EMBASSY HAS REVIEWED DRAFT HUMAN RIGHTS REPORT SUBMITTED
REF A. SUGGESTIONS AND COMMENT ARE IDENTIFIED BY PARAGRAPHS
BELOW. EMBASSY NOT FAMILIAR WITH FORMAT FOR REPORTS TO SENATE
COMMITTEE, BUT BECAUSE OF SOME HISTORICAL INACCURACIES OFFERS
COMPLETE REDRAFT OF SECTION I. SHOULD THIS REQUIRE FORMAT
ALTERATION, EMBASSY HOPES SUBSTANCE CAN BE MAINTAINED.

2. SUGGESTED REVISION OF "I, POLITICAL SITUATION:"

"FOR THE PAST HALF CENTURY IRANIAN LEADERSHIP HAS BEEN
DEDICATED TO THE CREATION OF A MODERN NATIONAL STATE AGAINST
A BACKDROP OF ENTRENCHED TRADITIONAL CONSERVATISM, POVERTY,
AND ILLITERACY. DURING THIS PERIOD IRAN HAS CONFRONTED
SEVERE CHALLENGES TO ITS GOVERNMENTAL STRUCTURE AS WELL AS
ECONOMIC TURMOIL AND OUSIDE PRESSURES. IT HAS BEEN
TWICE INVADED AND PARTIALLY OCCUPIED BY THE SOVIET UNION.
IN THE POST-WORLD WAR II PERIOD, AN INDIGENOUS COMMUNIST
PARTY WITH SUBSTANTIAL EXTERNAL SUPPORT GREW IN INFLUENCE
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TO THE POINT WHERE IT WAS ABLE TO PRECIPITATE A GOVERNMENTAL

CRISIS IN 1953 WHICH RESULTED IN THE SHAH FLEEING THE COUNTRY TEMPORARILY. LOYALIST FORCES RALLIED TO HIS SUPPORT, HOWEVER, AND HE RETURNED SHORTLY THEREAFTER AND BEGAN TO LAY THE BASIS FOR MAJOR ECONOMIC AND SOCIAL REFORMS NOW KNOWN AS "THE SHAH-PEOPLE REVOLUTION." IMPLEMENTATION OF THESE REFORMS BROUGHT THE GOVERNMENT AND MODERNIZING ELEMENTS INTO SEVERE CONFLICT WITH FEUDAL LANDLORDS AND REACTIONARY RELIGIOUS PERSONALITIES AND, IN 1962, A WEEK OF CONFRONTATION AND PHYSICAL VIOLENCE IN THE STREETS OF TEHRAN. THE GOVERNMENT CARRIED THE DAY AND SINCE THAT TIME ITS REFORM PROGRAMS WHICH HAVE BENEFITED THE VAST MAJORITY OF THE POPULATION HAVE HAD WIDE PUBLIC SUPPORT. ACTIVE OPPOSITION NOW CENTERS ON THE RULE OF THE SHAH HIMSELF.

" BEGINNING IN THE LATE 1960'S, IRAN HAS ALSO BEEN CONFRONTED WITH A SMALL NUMBER OF TERRORISTS OPERATING WITHIN THE COUNTRY. THERE IS EVIDENCE THAT THEY HAVE RECEIVED SUBSTANTIAL FOREIGN SUPPORT AND TRAINING. WHILE THEY POSE NO SERIOUS POLITICAL THREAT TO THE GOVERNMENT, TERRORISTS HAVE BEEN RESPONSIBLE FOR THE MURDERS OF IRANIAN GOVERNMENT OFFICIALS AND AMERICANS, INCLUDING THREE COLONELS, AND THREE CIVILIAN DEFENSE CONTRACTOR PERSONNEL OVER THE PAST 14 MONTHS.

". THE PRESENT GOVERNMENTAL SYSTEM IS A CONSTITUTIONAL MONARCHY HEADED BY THE SHAH AND A TWO-CHAMBER PARLIAMENT. UNTIL MARCH 1975 IRAN HAD A MULTI-PARTY SYSTEM. THIS WAS REPLACED BY A NEW BROAD-BASED SINGLE PARTY, THE RESURGENCE PARTY OF THE PEOPLE OF IRAN. ELECTIONS FOR BOTH THE MAJLES (LOWER HOUSE) AND THE SENATE WERE HELD IN JUNE 1975 AND WERE RECOGNIZED AS AMONG THE MOST FREE AND HONEST IN IRAN'S HISTORY."

3. UNDER "II, LEGAL SITUATION," SUGGEST THIRD SENTENCE BE REPHRASED AS FOLLOWS:

" CRIMES AGAINST STATE SECURITY OR THOSE INVOLVING DESTRUCTION OF GOVERNMENT PROPERTY OR BODILY HARM TO GOVERNMENT OFFICIALS ARE CONSIDERED TO BE OF SUCH SERIOUS NATURE THAT TRIAL IS BEFORE A MILITARY TRIBUNAL."

4. FOLLOWING ARE SUGGESTED REVISIONS FOR PORTIONS OF CONFIDENTIAL

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"III, OBSERVANCE OF INTERNATIONAL RECOGNIZED HUMAN RIGHTS:"

A. ARTICLE 3:

"IRANIAN LAW AND PRACTICE PROVIDES FOR THE PROTECTION OF LIFE, PROPERTY, HOME, AND HONOR. EXCEPTIONS MAY OCCUR ONLY THROUGH DUE PROCESS OF LAW. CHARGES THAT THESE LEGAL PROVISIONS ARE NOT PROPERLY OBSERVED GENERALLY ARISE OUT OF THE GOVERNMENT'S EFFORTS TO SUPPRESS DISSIDENT TERRORIST MOVEMENTS AND OTHER THREATS TO

NATIONAL SECURITY."

B. ARTICLE 5:

"THE IRANIAN PENAL CODE SPECIFICALLY PROHIBITS TORTURE AND PROVIDES SEVERE PENALTIES FOR ANYONE WHO TORTURES A PERSON OR ORDERS THE USE OF TORTURE. THERE IS NO EVIDENCE OF SPECIFIC INSTANCES OF TORTURE. ANY OFFICIAL HAS EVER BEEN PROSECUTED FOR THE USE OF TORTURE. MOST ALLEGATIONS OF TORTURE INVOLVE EVENTS WHICH ALLEGEDLY OCCURRED SEVERAL YEARS AGO AND GENERALLY CONCERN THOSE SUSPECTED OF TERRORIST ACTIVITIES OR UNDER INTERROGATION FOR INFORMATION REGARDING TERRORIST OPERATIONS AND MOVEMENTS."

C. ARTICLE 8: (BEGINNING WITH SENTENCE 3.)

"DECISIONS BY MILITARY COURTS CAN BE AND ARE APPEALED TO A MILITARY APPELLATE COURT. THE SHAH HAS FINAL REVIEW OF THESE DECISIONS AND HAS ON OCCASION LESSENED SENTENCES IMPOSED."

D. ARTICLE 9:

"COURT ORDERS ARE REQUIRED BEFORE ARRESTS CAN BE MADE EXCEPT IN CASE OF SERIOUS OFFENSES. THE ACCUSED MUST BE, AND NORMALLY IS, INFORMED OF THE CHARGES AGAINST HIM WITHIN 24 HOURS. IN SOME SECURITY CASES, PRE-TRIAL CONFINEMENT HAS BEEN LENGTHY. WHILE PRE-TRIAL DETENTION MAY BE USED IN CRIMINAL AND CIVIL CASES, IT IS MAINLY RESORTED TO IN CASES OF SUSPECTED THREATS TO NATIONAL SECURITY AND DISSIDENT ACTIVITIES. INTERNAL EXILE IS PERMITTED BY LAW BUT HAS BEEN USED IN RECENT YEARS ONLY WITH RESPECT TO PRICE FIXING AND CORRUPTION CASES AFTER FULL AND FAIR, USUALLY PUBLIC, TRIAL."

5. UNDER "III, OTHER IMPORTANT FREEDOMS:"

"WHILE THERE ARE SOME MANIFESTATIONS OF DISCRIMINATION IN IRANIAN SOCIETY, LARGELY RELATED TO TRADITIONAL RELIGIOUS PRACTICE, EQUAL RIGHTS BEFORE THE LAW ARE GUARANTEED. AMONG CONFIDENTIAL

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THE RESULTS OF REFORMS INTRODUCED BY THE SHAH ARE THE GRANTING OF EQUALITY TO WOMEN. FREEDOM OF MOVEMENT BOTH WITHIN THE COUNTRY AND ABROAD, THE RIGHT TO PROPERTY, AND FREEDOM OF THOUGHT AND RELIGION ARE OBSERVED IN IRAN, WHICH HAS A LONG TRADITION OF RELIGIOUS TOLERANCE.

"THE CONSTITUTION PROVIDES FOR FREEDOM OF THE PRESS EXCEPT FOR A PROHIBITION AGAINST PUBLICATIONS HARMFUL TO ISLAM, BUT ALL PUBLISHERS AND WRITERS ARE ALSO REQUIRED TO CONFORM TO THE PRESS LAW UNDER THREAT OF PUNISHMENT.

"WHILE SPECIAL RULES GOVERN THE BEHAVIOR OF THE IRANIAN MILITARY, IN GENERAL THERE ARE NO RESTRICTIONS ON THE PEACEFUL ASSEMBLY OF GROUPS WHICH THE GOVERNMENT CONSIDERS NON-POLITICAL OR NON-SUBVERSIVE. ONE RESULT OF THE CREATION OF THE RESURGENCE PARTY HAS BEEN EXPANDED POLITICAL DEBATE WITHIN THE PARTY'S ORGANIZATIONAL STRUCTURE."

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FM AMEMBASSY TEHRAN

TO SECSTATE WASHDC IMMEDIATE 9393

C O N F I D E N T I A L SECTION 2 OF 2 TEHRAN 9961

6. RE "IV, OTHER HUMAN RIGHTS REPORTING," EMBASSY DOES NOT HAVE TEXT OF AMNESTY INTERNATIONAL'S 1974-75 ANNUAL REPORT, BUT PREVIOUS EMBASSY REPORTING (REF B) OFFERS CRITICISMS OF SOME FIGURES CONTAINED THEREIN. BELIEVE RECENT AMNESTY COMMENT ON IRAN BY FRENCH MEMBER PROTAIS (SEPT 25 AP STORY, DATELINED STRABOURG, FRANCE) IS EXAMPLE OF POLITICIZED FLIGHTS FROM DOCUMENTABLE FACT. (FOR EXAMPLE, PROTAIS CLAIMS PRISON BUDGET EXCEEDED EDUCATION BUDGET; FACT IS FOR THIS YEAR AND PAST TWO YEARS, PRISON BUDGET HAS NEVER EXCEEDED TWO PERCENT OF EDUCATION BUDGET.) IRAN'S COMMITTEE ON HUMAN RIGHTS HAS INCREASED ITS CASE LOAD FIVE-FOLD OVER THE PAST FOUR YEARS AND INDICATES IT GETS SOME REDRESS FROM GOVERNMENT ON NEARLY EVERY CASE DEEMED SUBSTANTIAL ENOUGH TO BRING FORWARD (REF B, PARA 16).

7. REGARDING IJC REPORT, REF C SUGGESTS IT HAS CERTAIN FAILINGS. BELIEVE DRAFT HUMAN RIGHTS REPORT PARAGRAPH ON ICJ EFFORT SHOULD BE RECAST ALONG FOLLOWING LINES;
"THE INTERNATIONAL COMMISSION OF JURISTS PUBLISHED TOGETHER TWO DOCUMENTED REPORTS ENTITLED 'HUMAN RIGHTS AND THE LEGAL SYSTEM IN IRAN' IN MARCH 1976. THE AUTHORS INCLUDED IN THEIR VIEW OF THE IRANIAN LEGAL SYSTEM MEASURED CRITICISM OF HOW IT WORKS IN PRACTICE AND SUGGESTIONS

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FOR IMPROVEMENTS IN JUDICIAL PROCEDURES TO STRENGTHEN CIVIL RIGHTS. THE REPORTS PRAISE MANY ASPECTS OF THE JUDICIAL AND PENAL SYSTEMS AS WELL AS THE WIDE-RANGING ECONOMIC AND SOCIAL REFORMS WHICH BEGAN IN THE EARLY 1960'S. BUTLER'S REPORT CLAIMS TORTURE HAS BEEN USED IN IRAN AND SUGGESTS SOME TRIAL AND DETENTION PROCEDURES DO NOT MEET THE STANDARD OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS. LEVASSEUR'S SECTION CONTAINS A THOROUGH DESCRIPTION OF THE IRANIAN LEGAL SYSTEM. HE URGES FULL CIVIL RIGHTS ACCOUNTABILITY BE EXTENDED TO ALL AREAS OF SOCIAL CONTROL AND THAT THE FUNCTIONING OF MILITARY COURTS BE BROUGHT MORE INTO LINE WITH CIVILIAN COURT PROCEDURES."

8. POST BELIEVES TESTIMONY OF ASST. SECRETARY ATHERTON BEFORE HOUSE FRASER COMMITTEE(REF D) OFFERS EXCELLENT SOURCE OF MATERIAL FOR MORE DETAILED DISCUSSION OF THIS MATTER BEFORE SENATE COMMITTEE.
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